

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY BEIRUT

C O N F I D E N T I A L STATE 168524

FOL RPT USUN 2756 ACTION SECSTATE INFO CAIRO DAMASCUS

ROME TEL AVIV JUL 2

QUOTE: C O N F I D E N T I A L USUN 2756

E.O. 11652: GDS

TAGS: PFOR, UNSC, XF, LE

SUBJ: CIRCULATION OF LEBANESE AMBASSADOR'S LETTER TO
SECURITY COUNCIL PRESIDENT

REF: USUN 2724 (NOTAL)

1. ITALIAN PRESIDENCY OF THE SECURITY COUNCIL DID NOT
CIRCULATE AS A SECURITY COUNCIL DOCUMENT AMBASSADOR GHORRA'S
LETTER DATED 30 JUNE ADDRESSED TO THEN SC PRESIDENT-FOR-JUNE
JACKSON OF GUYANA, APPARENTLY BECAUSE GHORRA MERELY REQUESTED
CIRCULATION "AS A DOCUMENT OF THE UNITED NATIONS". EARLY 2
JULY GHORRA DELIVERED WRITTEN REQUEST (DATED 1 JULY) IN THE
MORE EXPLICITLY AND USUAL FORM BY ASKING FOR CIRCULATION AS A
DOCUMENT "OF THE SECURITY COUNCIL". WHILE THE NORMAL ACTION
WOULD HAVE BEEN FOR THE PRESIDENT TO DIRECT PROMPT CIRCULATION,
THE ITALIAN PRESIDENCY IN FACT ASKED THE UN LEGAL OFFICE FOR A
WRITTEN OPINION WHETHER, IN VIEW OF A REQUEST BY A SC MEMBER
(LIBYA) FOR CONSULTATIONS TN THE CIRCULATION OF THE LETTER,
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IT SHOULD BE CIRCULATED WITHOUT FURTHER ADO OR HELD PENDING

THE CONSULTATIONS.

2. AT WORKING LEVEL USUN CONVEYED TO THE ITALIAN MISSION OUR VIEW THAT IT IS THE UNILATERAL RIGHT OF A UN MEMBER STATE TO ASK FOR AND OBTAIN THE PROMPT CIRCULATION AS A SC DOCUMENT OF ANY MATERIAL IT REQUESTS, REGARDLESS OF CONTENT. WE POINTED OUT THAT TO INVOLVE THIS RIGHT IN A CONSULTATION PROCESS, OR TO A VOTE IN THE COUNCIL ITSELF, WOULD SUBJECT IT TO THE MAJORITY AND THUS SERVE TO DESTROY THE RIGHT. THE ITALIAN MISSION'S RESPONSE WAS THAT BECAUSE OF THE "POLITICAL DELICACY" INVOLVED IN THE LIBYAN OBJECTIONS TO THE LEBANESE MATTER. IT HAD THOUGHT THE BEST WAY OUT WOULD BE TO ASK FOR A UN LEGAL OPINION. WE NOTED THE ADVERSE CONSEQUENCES THAT WOULD FOLLOW WERE THE OPINION TO WAFFLE, AND WE HAVE SINCE LEARNED THE ITALIANS ANTICIPATE THAT THE OPINION WILL SAY THAT THE MATTER IS FOR THE COUNCIL TO DECIDE SINCE WHAT IS INVOLVED IS A QUESTION OF COUNCIL PROCEDURE.

3. PRELIMINARY CONVERSATIONS WITH THE MISSIONS OF FRANCE, UK AND SWEDEN INDICATE AGREEMENT WITH THE VIEW THAT THE ABILITY TO OBTAIN SC CIRCULATION IS A FUNDAMENTAL RIGHT OF MEMBERSHIP, AND UKUN HAS EXPRESSED THIS VIEW TO THE SECRETARIAT. HOWEVER, UKUN BELIEVES THE ITALIAN PRESIDENCY COULD LEGITIMATELY CALL FOR CONSULTATIONS BEFORE CIRCULATING THE GHORRA LETTER ON THE GROUND THAT WHAT IS INVOLVED IS A QUESTION BY A COUNCIL MEMBER WHETHER GHORRA WAS AUTHORIZED BY THE LEBANESE GOVERNMENT TO SUBMIT THE LETTER IN THE FIRST PLACE. WE HAVE OBSERVED THAT GHORRA'S CREDENTIALS HAVE BEEN ACCEPTED FOR MANY YEARS BY THE SYG AND ALL UN ORGANS AND THAT, IN ACCORDANCE WITH THE USUAL PRACTICE, HE IS ENTITLED TO ACT AS PERMREP OF LEBANON UNTIL A DECISION TO THE CONTRARY HERE TAKEN.

4. THE ISRAELI MISSION HAS SPOKEN TO US AND TO UKUN STRESSING ITS VIEW THAT THE RIGHT TO OBTAIN CIRCULATION MUST NOT BE SUBJECT TO A MAJORITY DECISION OF THE COUNCIL.
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